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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ANDREW SAMUELS, on behalf of
himself and all others similarly
situated,

Plaintiff,

v.

LIDO DAO, a general partnership; AH
CAPITAL MANAGEMENT, LLC;
PARADIGM OPERATIONS LP;
DRAGONFLY DIGITAL MANAGEMENT
LLC; ROBOT VENTURES LP,

Defendants.

Case No. 3:23-cv-06492-VC

**DEFENDANT AH CAPITAL
MANAGEMENT, L.L.C.'S MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
AUTHORITY**

Pursuant to Local Rules 7.3(d) and 7-11, Defendant AH Capital Management, L.L.C. (“a16z”) respectfully moves for leave to file as supplemental authority a decision issued by the United States Supreme Court following the hearing on June 27, 2024, on Defendants’ Motions to Dismiss the Amended Class Action Complaint (Dkt. 74). *See Fischer v. United States*, 603 U.S. ___, 2024 WL 3208034 (U.S. June 28, 2024), attached hereto as Exhibit 1.

a16z brings this published opinion to the attention of the Court in connection with a16z’s Motion to Dismiss the Amended Class Action Complaint (“MTD”), Dkt. 61, and Reply in Support of Motion to Dismiss the Amended Class Action Complaint (“Reply”), Dkt. 67. a16z respectfully submits that the Supreme Court’s interpretation of the phrase “or . . . otherwise” in 18 U.S.C. § 1512(c) is instructive in interpreting 15 U.S.C. § 77e(a) and (c), which likewise use the phrase “or otherwise.” *Compare Fischer*, 2024 WL 3208034, at *6 (holding that “the scope of” a clause that begins with “‘or otherwise’” is “defined by reference to” the preceding clause and that preceding clause’s “narrower terms” “limit[ed]” the “‘or otherwise’” clause’s “broad language”), *and id.* at *4-7 (“The idea is simply that a general phrase can be given a more focused meaning by the terms linked to it.”), *with* MTD 12 (“[O]r otherwise’ refers to something ‘similar to the listed example[]’—(i.e., ‘any prospectus’)—‘in some respects but different in others.’” (quoting *Begay v. United States*, 553 U.S. 137, 144 (2008), *abrogated on other grounds by Johnson v. United States*, 576 U.S. 591 (2015))), *and* Reply 6 (“‘Or otherwise’ ensures that all prospectus-like documents can form the basis for liability in a public offering sale—including where the seller does not register the alleged security and so has not filed the required prospectus.”).

As set forth in the attached declaration, counsel for a16z contacted counsel for Plaintiff to inquire whether Plaintiff would stipulate to the filing of this motion for leave. Counsel for Plaintiff indicated that although he disagreed that *Fischer* had any pertinence to the current briefing, he would not oppose a16z’s motion.

DATED: July 8, 2024

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By: /s/ Susan E. Engel

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